

### **REMARKS**

As an initial matter, the undersigned thanks the Examiner for the courtesies extended during the Examiner Interview conducted August 13, 2008.

By entry of this amendment, claims 1, 2, 7-15, 17, 20 and 22-27 are currently pending. Claims 4-6, 19 and 21 were previously canceled, and claims 3 and 18 are newly canceled. Claims 1, 7, 8, 10, 13-15, 17, 20 and 22-27 been amended.

Applicants respectfully submit that the new amendments do not require further search or consideration. In view of the following remarks, Applicant respectfully requests withdrawal of claim rejections, and allowance of the application.

### **SUBSTANCE OF EXAMINER INTERVIEW**

In the Examiner Interview, the Examiner stated that it was unclear how the first file loaded onto the mobile device was converted to a binary structure because for the first file to be downloaded it must be in some form of binary data. Based on this rationale, the Examiner stated that the claimed conversion step was inherently present in the applied prior art. No agreement was reached. Applicants respectfully submit that the present remarks substantially provide a statement of the substance of the interview, and no further submission regarding the Examiner interview is necessary.

### **FINALITY OF THE REJECTION IS IMPROPER BECAUSE THE OFFICE ACTION DOES NOT ANALYZE ALL PENDING CLAIMS**

Applicant respectfully notes that the Detailed Action omits any specific explanation of how claims 15, 20, 26 and 27 are rejected as being unpatentable under § 103. The omission of these claims in the § 103 rejection represents a failure to articulate a *prima facie* case of obviousness. Applicant respectfully requests the issuance of another Office Action providing an explanation of how claims 15, 20, 26 and 27 are unpatentable under § 103.

### **35 U.S.C. § 112, FIRST PARAGRAPH REJECTIONS**

Claims 1-3 and 7-14 are rejected under 35 U.S.C. §112, first paragraph for allegedly failing to comply with the written description requirement. Applicant respectfully traverses.

The Office asserts that the claimed terms “first file” and “second file” are not included in the specification. The Examiner is reminded that there is no *in haec verba* requirement, however, newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure. See MPEP § 2163. Applicants respectfully submit that the claim limitations are supported in the specification through express, implicit or inherent disclosure.

For example, claim 1 recites the steps illustrated in FIG. 7, which is described at paragraph [0059] of Applicant’s published application. As described in paragraph [0059], the initially loaded XML file is analogous to the claimed “first file”, upon repetition of the process; the claimed “second file” would be analyzed using the process described in FIG. 7.

As for step (a) in claim 1, it is supported by at least paragraphs [0009], [0043] and [0059] of Applicant’s published application.

As for step (i) in claim 1, the claimed “comparison” is disclosed at the “checking of a look-up table” in at least paragraph [0051] of Applicant’s published application.

As for steps (j) and (k) of claim 1, at least paragraph [0036] of Applicant’s published application describes a user interface 13 illustrated in FIG. 1, while at least paragraph [0038] describes the user interaction with the mobile device to access the database (i.e., memory), where the binary structure is stored (as explained in at least paragraph [0059]).

Based on the above remarks, Applicants request withdrawal of the rejections of claims 1-3 and 7-14 under 35 U.S.C. § 112, first paragraph.

### **35 U.S.C. § 112, SECOND PARAGRAPH REJECTION**

Claims 1-3 and 7-14 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully submit that requirements of 35 U.S.C. §112, second paragraph are different from the requirements of 35 U.S.C. §112, first paragraph. Section 112, second paragraph is satisfied if the claims are clear. No claim language has been identified as being unclear or vague. Accordingly, the rejection of claims 1-3 and 7-14 should be withdrawn.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)**

All claims stand rejected as obvious over prior art. As noted above, the Office Action provides no analysis of claims 15, 20, 26 and 27. Claims 15, 20, 26 and 27 stand rejected

under 35 U.S.C. § 103(a) as allegedly being unpatentable over Vanska et al. (U.S. Pat. No. 7,072,672) in view of Coulthard et al. (U.S. Pat. Pub. No. 2004/0003013). Claims 2, 3, 7-14, 17 and 22-25 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the combination of Vanska and Coulthard and further in view of Chikirivao (U.S. Pat. App. Pub. No. 2002/0188761).

### **Claim 1**

Claim 1 recites, *inter alia*:

***converting*** the first ***XML file*** into a first binary structure ***at an initial run of a computer application*** running on the mobile device, ***the first binary structure adapted to be read and executed by the computer application on the mobile device***

determining whether the first ***XML file*** has been updated upon ***a startup of the computer application*** by comparing a timestamp and a filesize.....

The Office asserts that above highlighted converting step is inherent in the applied prior art. However, Applicants respectfully submit that an XML file is a universal data file format that allows files to be transferred between devices and computer applications that may be incompatible. Of course, XML files are transferred in a binary format, but even so, in the claimed embodiments convert the XML file into a binary structure readable and executable by the mobile device. The XML file as claimed allows the mobile devices to be different devices (e.g., a Blackberry or an Iphone) that at a processor level may operate on data differently

The Office appears to be equating the mini-applications of Vanska to the claimed first file. However, Vanska does not describe a mini-application with metadata. A mini-application is not a first file including metadata as recited in the claim.

Furthermore, Vanska and Coulthard do not disclose the above highlighted determining step. The Office asserts that Coulthard discloses the above highlighted feature in paragraphs 11 and 12. However, this disclosure is not sufficient to meet the claim language.

Paragraph 11 of Coulthard merely describes file size as being essential metadata. Paragraph 12 further explains that file dates, according to Coulthard, are not essential metadata. This is not a disclosure of the above highlighted determining step.

Claim 1 further recites, *inter alia*:

(j) **reading and executing the mapped second binary structure** by the computer application running on the mobile device;

The Office asserts that Vanska discloses a reading step at column 2, lines 20-30. However, this citation does not disclose or suggest the above claimed reading and executing of the mapped binary structure.

Although Vanska does disclose deleting an obsolete mini-application after determining upon downloading a more recent version of the application at column 10, lines 40-50, it does not describe the above details recited in the claims.

Coulthard does not overcome nor is it asserted to overcome the above deficiencies of Vanska. Neither Vanska nor Coulthard, either individually or in combination, disclose or suggest all of the features recited in claim 1. For at least the above reasons, claim 1 defines over the applied art.

#### **Claim 15**

Claim 15 recites, *inter alia*:

converting the **first XML file** into a **first binary file** at a first running of the computer application on the mobile device and storing the first binary file in the memory of the mobile device, wherein **the first binary file is executed in the run-time environment of the mobile device**;

Applicants respectfully submit that the above highlighted feature is not disclosed by the cited combination of prior art. Claim 15 is allowable.

#### **Claim 20**

Claim 20 recites, *inter alia*:

wherein the mobile device is adapted to receive the **first XML file** from **the design server** and **transform the first XML file into a first binary structure at an initial run of a computer application** running on the mobile device, the first binary structure adapted to be **read and executed** by the computer application **running on the mobile device**;

The combination of Vanska and Coulthard does not disclose or suggest the above highlighted language as discussed above with respect to claim 1. Claim 20 defines over the applied prior art.

### **Claim 26**

Claim 26 recites, *inter alia*:

converting the ***first XML file*** to a ***first binary structure***, wherein the ***first binary structure is a machine readable and executable version of the first file created in the development environment***;

determining if ***the second XML file corresponds to the first XML file that has been converted*** into the stored first binary structure

As discussed above with respect to claim 1, the combination of Vanska and Coulthard does not disclose or suggest the above highlighted language. Claim 26 is allowable.

### **Claim 27**

Claim 27 recites, *inter alia*:

if the filesize and datestamp of the ***human readable XML data file*** based on the result of the comparison do not match the filesize and datestamp related to the machine readable file on the mobile device, ***converting the human readable XML data file including data descriptions and criteria for selecting records from the database to a new machine readable file***;

launching a computer application on the mobile device that ***presents data according to the data description in the metadata information*** stored in the stored machine readable file; and

***accessing the database*** connected to the server using ***the new machine readable file in the run-time environment*** and the criteria for selecting records from a database by the computer application.

Based on the above remarks made with respect to claim 1, the highlighted features in combination with the other features recited in claim 27 are not disclosed or suggested by the applied prior art of record. Applicant respectfully submits that claim 27 is allowable.

### **Claims 2, 3, 7-14, 17 and 22-25**

Claims 2, 3, 7-14, 17 and 22-25 depend respectively from claims 1, 15, and 20. As explained above with respect to claim 1, Vanska and Coulthard, either individually or in combination, do not disclose or suggest all of the features recited in claim 1. Chikirivao does

not overcome nor is it asserted to overcome the above identified deficiencies of Vanska and Coulthard. Claims 2, 3 and 7-14 depend from claim 1, and are allowable for at least the same reasons as claim 1.

Claims 22-25 depend from claim 22. Claim 22 was not addressed in the Office Action. Accordingly, these claims have also not been properly addressed and are allowable.

### CONCLUSION

Applicant respectfully requests favorable consideration of the above amendments and withdrawal of the rejections in connection with this application. All claims are allowable. Allowance is solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Kenyon & Kenyon Deposit Account No. 11-0600. The Examiner is invited to contact the undersigned at (202) 220-4254 to discuss any matter concerning this application.

Respectfully submitted,

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